

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

SUKESH ROY,

Plaintiff,

:

Case No. 3:07-cv-206

-vs-

District Judge Walter Herbert Rice  
Chief Magistrate Judge Michael R. Merz

:

ALBERTO GONZALES<sup>1</sup>,  
United States Attorney General, et al.,

Defendant.

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**ORDER ADOPTING REPORTS AND RECOMMENDATIONS**

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The Court has reviewed the Reports and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. Nos. 15 & 16), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired on March 10 and 12, 2008, respectively, hereby ADOPTS said Reports and Recommendations.

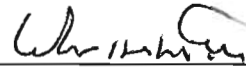
It is therefore ORDERED that Defendant's Motion to Dismiss without prejudice for lack of subject matter jurisdiction (Doc. No. 6) be, and it hereby is, granted and Plaintiff's Motion for Summary Judgment (Doc. No. 13) is denied as moot.

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<sup>1</sup>The Court takes judicial notice that Michael Mukasey has succeeded Alberto Gonzales as Attorney General of the United States and it therefore automatically substituted for Mr. Gonzales as a defendant pursuant to Fed. R. Civ. P. 25(d). As is customary in this Court, the caption will not be amended to reflect the substitution.

The Clerk shall enter judgment accordingly and this case shall be closed on the docket of this Court.

March 13, 2008.



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Walter Herbert Rice  
United States District Judge